

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE PROPERTY AND CASUALTY  
INITIATIVE, LLC,

Plaintiff,

V.

UNITED STATES OF AMERICA,  
acting through the National Credit  
Union Administration,

Defendant.

C.A. No.: 05-10520-RCL

**DEFENDANT'S ASSENTED-TO MOTION FOR RECONSIDERATION OF DENIAL  
OF ATTACHED ASSENTED-TO MOTION FOR EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO COMPLAINT TO AUGUST 31, 2005**

Now comes the defendant, United States of America,<sup>1</sup> and hereby moves this Court for reconsideration of its denial of the United State's Motion for Extension of Time To Answer or Otherwise Respond to Complaint to August 31, 2005, filed August 1, 2005. As reasons therefore, the undersigned counsel for the United States asserts that there is good cause for this, and potentially other, brief extensions to be granted in this action. Specifically, the parties are engaged in **settlement discussions** in the hopes of resolving or, at the very least, narrowing the issues presented in this matter. These discussions have been ongoing and have involved advance coordination of the schedules and availability of numerous individuals. While the Court has

<sup>1</sup> This motion is not intended to be a responsive pleading. By the filing of this motion, the United States is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. The United States intends to raise those defenses when it answers or otherwise responds to the Complaint.



given the United States until on or before August 15, 2005, to answer or otherwise respond to the complaint (with an additional notation that there will be no further extensions granted to the United States), this truncated deadline will not allow the parties to further their discussions in any meaningful way. While the parties certainly do not wish to take advantage of the Court's generosity in granting any extensions at all, the parties also do not wish to waste the Court's time and resources with needless litigation if a settlement can be reached.

Counsel for the plaintiff has assented to this motion. In fact, opposing counsel has demonstrated its support of the United States' extension request by filing an extension motion of its own. (See civil docket.)

WHEREFORE, the United States respectfully requests that this Court reconsider its denial of the United States' extension motion and grant said extension of time **up to and including August 31, 2005**, to answer or otherwise respond to the Complaint. Additionally, in light of the circumstances outlined above, the United States would ask that the Court rescind its notation of "no further extensions."

Respectfully submitted,

UNITED STATES OF AMERICA,  
By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

Dated: August 15, 2005

By: /s/Gina Walcott-Torres  
Gina Walcott-Torres  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3369



**LOCAL RULE 7.1(A)(2) CERTIFICATION**

The undersigned counsel certifies that she conferred with counsel for plaintiff and that he assented to the relief sought herein.

/s/Gina Walcott-Torres

Gina Walcott-Torres

Assistant U.S. Attorney



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE PROPERTY AND CASUALTY	)	
INITIATIVE, LLC,	)	
	)	
Plaintiff,	)	C.A. No.: 05-10520-RCL
	)	
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
acting through the National Credit	)	
Union Administration,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT'S ASSENTED -TO MOTION FOR EXTENSION OF  
TIME IN WHICH TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Now comes the defendant, United States of America,<sup>1</sup> and hereby moves this Court for an extension of time **up to and including August 31, 2005**, to answer or otherwise respond to the Complaint. As reasons therefore, the undersigned counsel for the United States asserts that the parties continue to engage in discussions concerning the case, in the hopes of narrowing and/or resolving the issues presented in this matter.

The United States asserts that counsel for the plaintiff has assented to this motion.

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<sup>1</sup> This motion is not intended to be a responsive pleading. By the filing of this motion, the United States is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. The United States intends to raise those defenses when it answers or otherwise responds to the Complaint.



WHEREFORE, the United States respectfully requests that this Court allows its motion for an extension of time **up to and including August 31, 2005**, to answer or otherwise respond to the Complaint.

Respectfully submitted,

UNITED STATES OF AMERICA,  
By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

Dated: August 1, 2005

By: /s/Gina Walcott-Torres  
Gina Walcott-Torres  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3369

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

The undersigned counsel certifies that she conferred with counsel for plaintiff and that he assented to the relief sought herein.

/s/Gina Walcott-Torres  
Gina Walcott-Torres  
Assistant U.S. Attorney